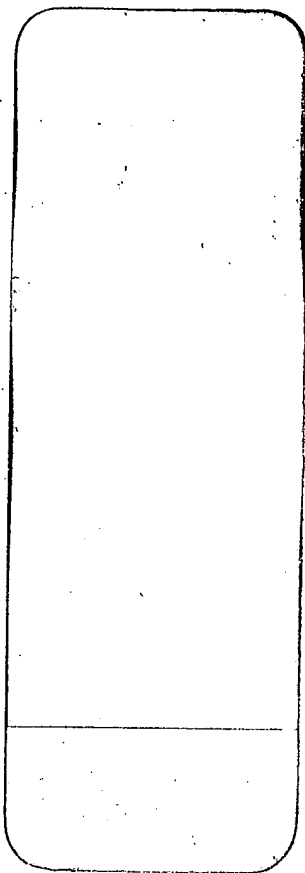


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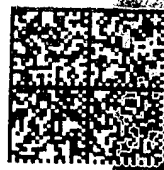
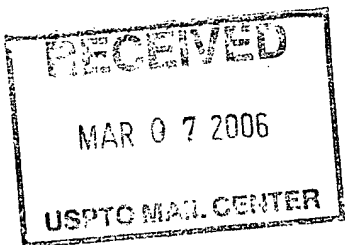
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,480	05/19/2000	Gregory A Kopia	CRD-850	1106

7590

02/24/2006

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EXAMINER

NGUYEN, CAMTU TRAN

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/575,480
Filing Date: May 19, 2000
Appellant(s): KOPIA ET AL.

Paul Coletti
For Appellant

MAILED

EXAMINER'S ANSWER

FEB 24 2006

Group 3700

This is in response to the appeal brief filed December 1, 2005 appealing from the Office action mailed June 2, 2004.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

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(7) Response to Argument

Applicant's arguments filed on December 1, 2005 have been carefully considered but they are not persuasive.

Regarding the drug Taxol as a rapamycin "analogue", applicant's specification support the antiproliferative agent includes taxol and rapamycin. In particular, on page 5 lines 14 applicant discloses "Antiproliferative action on SMC *in vitro* has been demonstrated for many of these agents, including heparin and heparin conjugates, taxol, tranilast, colchicines, ACE inhibitors, fusion toxins, antisense oligonucleotides, rapamycin, and ionizing radiation". At another occasion on page page 8 lines 25-27 where the specification recite "a tyrosine kinase inhibitor, such as tyrphostin, might be combined with an antiproliferative agent such as taxol, vincristine, or rapamycin" and again later in the same paragraph, it recites "alternatively, an antiproliferative agent such as taxol, vincristine, or rapamycin". In addition, applicant originally filed claims 5 and 7, now cancelled, wherein rapamycin and taxol were paired in a Markush grouping and the agents, then, cited as "analogue". Claims 5 and 7, as originally filed, were properly recited and supported by the specification.

For the reasons and evidences above and in light of the specification, there is ample of support that taxol an equivalent of a rapamycin analogue and is indeed a rapamycin analogue.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Camtu Nguyen

Application/Control Number: 09/575,480

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Conferees:

Henry Bennett

Henry Bennett
Supervisory Patent Examiner
Group 3743

~~Kim M. Lewis~~

KIM M. LEWIS
PRIMARY EXAMINER